

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JERRY EUGENE SMITH,
Petitioner,

v.

KEVIN CHAPELL,
Respondent.

Case No. [14-cv-04438-PJH](#)

ORDER FOR BRIEFING

Petitioner, a state prisoner, proceeds with a pro se petition for a writ of habeas corpus regarding a prison disciplinary finding that resulted in the loss of credits. Respondent has filed a motion to dismiss on the ground that the disciplinary finding does not affect the fact or duration of petitioner's confinement. Respondent argues that habeas jurisdiction is absent. Petitioner filed an opposition on May 26, 2015. Respondent filed a reply that cited to a recent Ninth Circuit case, *Nettles v. Grounds*, 2015 WL 3406160 (9th Cir. May 28, 2015), that addressed habeas jurisdiction in a case with similar facts. Because *Nettles* was issued after petitioner filed his opposition, he will be provided an opportunity to file additional briefing regarding *Nettles* and the court will send that case with this order. Petitioner may file additional briefing, though it is not required, by July 13, 2015. No extensions will be provided.

CONCLUSION

1. Petitioner may file additional briefing by **July 13, 2015**. No extensions will be provided.

2. The Clerk shall send a copy of *Nettles* to petitioner with this Order.

IT IS SO ORDERED.

Dated: June 12, 2015



PHYLLIS J. HAMILTON
United States District Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JERRY EUGENE SMITH,
Plaintiff,

v.

KEVIN CHAPPELL,
Defendant.

Case No. [14-cv-04438-PJH](#)

CERTIFICATE OF SERVICE

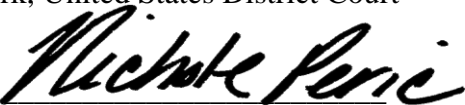
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 12, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jerry Eugene Smith ID: H-44485 (with attached Nettles case)
San Quentin State Prison
San Quentin, CA 94964

Dated: June 12, 2015

Richard W. Wieking
Clerk, United States District Court

By: 
Nichole Peric, Deputy Clerk to the
Honorable PHYLLIS J. HAMILTON